



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 11 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7009-2820-0002-1759-2855

In Reply Refer to:

EPA File No: 09R-09-R6

Mr. Gregory R. Mitchell
Post Office Box 74054
Baton Rouge, Louisiana 70807

Re: Dismissal without prejudice of Administrative Complaint

Dear Mr. Mitchell:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is dismissing without prejudice your complaint dated October 2, 2009, alleging that the City of Baton Rouge has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

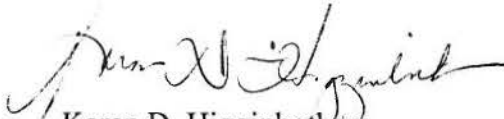
OCR's standard practice is to dismiss without prejudice administrative complaints where the same subject matter is involved in an adjudicative proceeding. A decision in the pending state case, 2009 – CA - 1076 in the State of Louisiana Court of Appeal, First Circuit, involving the North Waste Water Treatment Plant may impact the administrative complaint filed with OCR. Therefore, OCR will not accept your administrative complaint at this time. However, this complaint may be re-filed within 60 calendar days of the conclusion of the adjudicative process. If you choose to re-file the complaint, OCR will then proceed with its preliminary review to determine acceptance, rejection, or referral. Further, OCR may choose not to proceed with a complaint investigation if the allegations in the complaint were substantively decided by the state court.

Finally, it has come to our attention that the City of Baton Rouge is currently under a March 2002 Consent Decree to address concerns related to sewage treatment from the North Waste Water Treatment Plant, the South Waste Treatment Plant, and the Central Waste Treatment Plant. If you would like to know more information about the

Consent Decree please contact Ms. Mona Tate, the US EPA Region 6 point of contact. Ms. Tate can be reached at (214) 665-7152.

If you have any questions, please contact me at (202) 343-9224, via e-mail at farrell.ericka@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Katherin E. Hall, Assistant General Counsel
Civil Rights and Finance Law Office (MC 2399A)

Manuela (Nellie) Roblez, EPA Region 6